

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JOHN MOMOT,

Plaintiff,

v.

DENNIS MASTRO, *et al.*,

Defendants.

2:09-cv-00975-RLH -VCF

O R D E R

Before the court is defendants Dennis Mastro, *et al.*'s Motion To Stay Pending Potentially Dispositive Ruling by this Court and the Ninth Circuit. (#174). Plaintiff filed an Opposition (#203), and defendants filed a Reply (#208).

On August 14, 2009, the court entered an order enjoining an arbitration proceeding that defendants had commenced in Arizona. (#29). The defendants appealed the order to the Ninth Circuit immediately thereafter (#30), and oral argument was held on March 15, 2011. Subsequently, on April 21, 2011, defendants filed a motion for summary judgment on plaintiff's remaining claims. (#167). On June 2, 2011, defendant filed the present motion to stay (#174). Thereafter, on June 22, 2011, the Ninth Circuit issued its opinion, instructing the court to grant the motion to stay the proceedings under 9 U.S.C. § 3 and to dissolve the permanent injunction. (#225).

In the present motion (#174), the defendants ask this court to stay this case until this court rules on the pending motion for summary judgment and the Ninth Circuit issues its opinion, because either "one could end or greatly transform this litigation." (#174). However, this court's order (#231) entering the mandate of the Ninth Circuit granted defendant's motion for stay and ordered that "this

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1 action is stayed in its entirety...” Thus, the present motion to stay (#174) is moot.

2 Accordingly, and for good cause shown,

3 IT IS ORDERED that defendants Dennis Mastro, *et al.*’s Motion To Stay Pending Potentially
4 Dispositive Ruling by this Court and the Ninth Circuit (#174) is DENIED as moot.

5 IT IS FURTHER ORDERED that pursuant to the Ninth Circuit’s ruling (#225), the clerk shall
6 STAY the proceedings until further notification from the court.

7 DATED this 20th day of October, 2011.

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10 **CAM FERENBACH**
UNITED STATES MAGISTRATE JUDGE